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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,494	03/18/2005	Enrico Maim	15675P538	8268
8791 7590 11/13/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
LE, MICHAEL				
ART UNIT		PAPER NUMBER		
2163				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/501,494

**Applicant(s)**

MAIM, ENRICO

**Examiner**

MICHAEL LE

**Art Unit**

2163

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 and 37-71 is/are pending in the application.
- 4a) Of the above claim(s) 1-27, 37-52 and 65-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-64 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Summary and Status of Claims***

1. This Office Action is in response to Applicant's reply filed July 23, 2008.
2. Claims 53-71 are newly added.
3. Claims 1-27 and 37-71 are pending.
4. Claims 1-27 and 37-52 have been withdrawn from consideration.
5. Claims 53-64 and 71 are rejected under 35 U.S.C. 112, second paragraph.
6. Claims 53-64 and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Emens et al. (US Patent 6,832,218) of record.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Newly submitted claims 65-70 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 65-70 contain limitations of a non-elected invention in response to the restriction requirement mailed May 12, 2006.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 65-70 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Objections***

9. Claims 53 and 71 are objected to because of the following informalities:

10. In claim 53, limitation d) recites “when selecting for access, by a user input device, said second resource.” Applicant is requested to rewrite the limitation because as written, it seems to mean that the second resource performs limitations d1) and d2). It is assumed that this meaning is not Applicant's intention.

11. Similarly, in claim 53, limitation e), as written seems to mean that the other resource performs limitations e1) through e3). Applicant is requested to rewrite the limitation.

12. In claim 71, “Web” is capitalized, however it is unclear if there is a particular purpose for its capitalization. If there is a purpose, then it should be made clear in the claim. Otherwise, “Web” should be changed to --web--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. **Claims 53-64 and 71 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. In claim 53, limitation f) recites “retrieving said first resource thanks to said indicator.” It is unclear what “thanks to said indicator” means. For the prior art rejections below, “thanks to said indicator” will be interpreted to mean --using said indicator--.

16. In claim 60, the limitation is unclear. The claim recites “performing said relevance scoring process between said other resource and said other resource once said other resource has

been selected.” It seems there is an error and “second resource” should have been used. Thus, for the prior art rejections below, the limitation will be interpreted as “between said other resource and said second resource once said other resource has been selected.”

17. Claims 54-59, 61-64, and 71 are rejected because they depend on a rejected claim.

Dependent claims contain the limitations of the parent claims and are therefore rejected for the same reasons.

18. The prior art rejections to claims 53-64 and 71 below are made as best understood in light of the rejection under 35 U.S.C. 112, second paragraph addressed above.

*Claim Rejections - 35 USC § 102*

19. **Claims 53-64 and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Emens et al. (US Patent 6,832,218) (Emens) of record.**

20. In regards to **claim 53**, Emens discloses a method for managing information resources in a computer system for the purpose of resource retrieval, the method comprising:

- a. providing a first resource to be retrieved (Emens at col. 4, lines 1-5),
- b. providing a second resource having a potential relevance relationship with other resources based on a relevant scoring process (Emens at col. 4, lines 1-5)<sup>1</sup>,
- c. receiving user information from a user input device (Emens at col. 4, lines 6-8), said user information being representative of a declaration that said first resource is associated with said second resource for the purpose of being later retrieved (Emens at

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<sup>1</sup> First and second resources have a relevance relationship because they are both relevant to the original query.

col. 4, lines 11-7), and storing information relative to this declaration (Emens at col. 4, lines 17-21)<sup>2</sup>;

d. when selecting for access, by a user input device, said second resource (Emens at col. 4, lines 28-30):

- i. displaying said second resource (Emens at col. 4, lines 28-30),
- ii. based on said stored information, further displaying an indicator of the existence of said first resource (Emens at col. 4, lines 31-4),

e. when selecting for access, by a user input device, an other resource:

- i. determining whether said other resource is relevant with respect to said second resource (Emens at col. 4, lines 25-31),
- ii. displaying said other resource (Emens at col. 4, lines 23-5), and
- iii. if step i) has determined a relevance between said other resource and said

second resource, based on said stored information, further displaying an indicator of the existence of said first resource (Emens at col. 4, lines 31-4),

f. retrieving said first resource thanks to said indicator by accessing said second resource or any other resource having a relevance relationship with the second resource.

Emens at col. 4, lines 31-41.

21. In regards to **claim 54**, Emens discloses the method as claimed in claim 53, wherein said user information received in said step c) is representative of a declaration that said first resource is associated with several second resources. Emens at col. 4, lines 17-21.

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<sup>2</sup> The first selection of a URL by the user is interpreted as the first resource. The next URL selected by the user is interpreted as the second resource. The selection is a "declaration that ... [it]...should be associated" because the links are determined by the user as having the desired information searched for. The association is then stored for the second resource in association with the first resource, which are both stored with the original query.

22. In regards to **claim 55**, Emens discloses the method as claimed in claim 53, wherein said second resource comprises a group of resources, and wherein said relevance scoring process finds other resources based on an input including said group of resources. Emens at col. 4, lines 17-21.

23. In regards to **claim 56**, Emens discloses the method as claimed in claim 55, wherein said group of resources comprises resources derived from a browsing context. Emens at col. 4, lines 6-8.

24. In regards to **claim 57**, Emens discloses the method as claimed in claim 55, wherein said group of resources forms a spot of resources. Emens at col. 4, lines 26-34.

25. In regards to **claim 58**, Emens discloses the method as claimed in claim 53, wherein said step b) is performed by comparing a relevance score with a threshold. Emens at col. 4, lines 52-5, 57-9.

26. In regards to **claim 59**, Emens discloses the method as claimed in claim 53, wherein said step b) is performed by using relevance data previously obtained by said relevance scoring process performed between said other resource and said second resource. Emens at col. 4, lines 46-67.

27. In regards to **claim 60**, Emens discloses the method as claimed in claim 53, wherein said step b) is performed by performing said relevance scoring process between said second resource and said other resource once said other resource has been selected. Emens at col. 3, lines 56-60; col. 4, lines 44-6.

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28. In regards to **claim 61**, Emens discloses the method as claimed in claim 53, wherein said indicator comprises a link to said first resource. Emens at col. 4, lines 31-4.
29. In regards to **claim 62**, Emens discloses the method as claimed in claim 53, wherein said step c) comprises receiving information from said user input device which is a pointing input device, said information being representative of actions made with said pointing input device on displayed graphical objects representative of said first resource and said second resource. Emens at col. 4, lines 6-21.
30. In regards to **claim 63**, Emens discloses the method as claimed in claim 53, wherein said step c) further comprises the storage in a user associative memory of information representative of an association between the first and second resources. Emens at col. 4, lines 17-21.
31. In regards to **claim 64**, Emens discloses the method as claimed in claim 55, wherein said relevance scoring process comprises implementing a search engine based on the analysis of links between various resources based on an input query comprising a series of resource identifiers designating the resources of said group. Emens at col. 4, lines 46-67.
32. In regards to **claim 71**, Emens discloses the method as claimed in claim 53, wherein said first resource is a personal file, and said second and other resources are web pages. Emens at col. 5, lines 30-45; col. 6, lines 4-19.

***Response to Arguments***

**Rejection of claims 28-33 and 36 under 35 U.S.C. 102(e)**

33. Claims 28-33 and 36 are cancelled rendering their rejections moot.



**Rejection of claims 34 and 35 under 35 U.S.C. 103(a)**

34. Claims 34 and 35 are cancelled rendering their rejections moot.

***Conclusion***

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Le whose telephone number is 571-272-7970. The examiner can normally be reached on Mon-Thurs : 9:30am-6pm, Fri: 8am-4:30pm.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Le/  
Examiner, Art Unit 2163

/Hung T Vy/  
Primary Examiner, Art Unit 2163